IN THE SUPREME COURT OF THE STATE OF HAWAI'I

STATE OF HAWAI'I, Plaintiff-Appellee-Respondent,

vs.

ROBERT SAPANARA, Defendant-Appellant-Petitioner.

CERTIORARI TO THE INTERMEDIATE COURT OF APPEALS (FC-Criminal No. 03-1-0004)

ORDER DENYING APPLICATION FOR WRIT OF CERTIORARI Levinson, J., for the court1)

Upon consideration of the application for a writ of certiorari filed on December 19, 2005, by the defendantappellant-petitioner Robert Sapanara, the application is hereby denied.

DATED: Honolulu, Hawai'i, December 29, 2005.

FOR THE COURT:

STEVEN H. LEVINSON

Associate Justice

James S. Tabe, Deputy Public Defender, for the defendant-appellantpetitioner Robert Sapanara, on the application

Considered by: Moon, C.J., Levinson, Nakayama, Acoba, and Duffy, JJ.